



#9 Response
2/28/03
L. Butts

Patent
Attorney's Docket No. 032880-056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Thierry Gandelheid, et al.)	Group Art Unit: 1723
Application No.: 09/998,137)	Examiner: Ernest THERKORN
Filed: December 3, 2001)	Confirmation No.: 4577
For: Method of Separating Compound(s))	
from Mixture(s))	

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Office Action mailed January 17, 2003, Applicants submit the following response.

In the Office Action, the Examiner sets forth an election of species requirement for a single disclosed species between analytical HPLC and thin layer chromatography.

Applicants respectfully traverse the election requirement. Applicants respectfully submit that the two species should be examined together and submit that searching and examining the two species at one time would not impose a serious burden on the Examiner.

Applicants respectfully assert that the making of an election requirement is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use discretion and choose not to make an election requirement where circumstances warrant. It is believed that such is the case in the present application. Accordingly, Applicants respectfully request reconsideration and withdrawal of the election requirement.

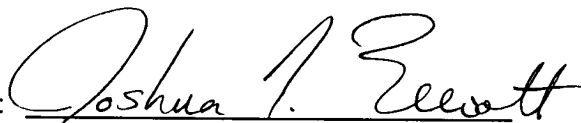
Nevertheless, in order to comply with the requirements of the Office Action, Applicants provisionally elect, with traverse, the following species for prosecution: analytical HPLC. Claims readable upon the elected species are as follows: 1-29 and newly added claims 35-38 added by the Preliminary Amendment submitted herewith.

Applicants reserve the right to file a divisional application or applications covering the non-elected subject matter.

The Examiner is invited to contact the undersigned at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

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Date: February 4, 2003